



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2393

DATE SCANNED 10-5-11

SCANNER NO. 2

SCAN OPERATOR CMP

11092670545



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 21, 2011

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer  
Acting Staff Director

FROM: Patricia Carmona *[Signature]*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: *JW* Jodi Winship/Sari Pickerall *OR*  
Compliance Branch

SUBJECT: Reason To Believe Recommendation - 2010 30 Day Post-General Report  
(Unauthorized Filers) For The Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file or timely file the 2010 30 Day Post-General Report in accordance with 2 U.S.C. § 434(a). The list is comprised of unauthorized committees that failed to file or timely file the 2010 30 Day Post-General Report.

The committees appearing on the 30 Day Post-General Report list either failed to file the report, filed the report more than five (5) days after the due date but within thirty (30) days of the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with 11 C.F.R. § 111.43, these committees should be assessed the civil money penalties indicated in the attachment.

In order to determine the level of activity for unauthorized quarterly filers that failed to file or failed to timely file the 30 Day Post-General Report, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every 30 Day Post-General Report (30 Day Report) submitted by an unauthorized quarterly filer that covered the period from October 1, 2010 through November 22, 2010 (53 days), was reviewed for activity which would have required the filing of a 12 Day Report. If our

11092670546

research indicated that the filing of a 12 Day Report was required, we utilized a two-step method to arrive at the estimated level of activity on which to base the fine amount. First, if the committee had any unitemized activity, a per diem level of activity was used by multiplying the total amount of activity on the report by 25% (13 days (12G Filing Period)/53 days (30G Filing Period)). The committees identified through this process as failing to file or failing to timely file the 12 Day Pre-General Report were included in the Reason to Believe Recommendation approved by the Commission on March 11, 2011. If the same committee also failed to file the 30 Day Report in a timely manner, we based the 30 Day Report fine on the amount of the remaining level of activity. We arrived at this amount by subtracting the estimated level of activity for the 12 Day Report from the total amount of activity on the 30 Day Report. In these cases, the committees will also be assessed a fine for the 30 Day Reports based on the estimated levels of activity described above and are included on the attached list.

#### **Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Reports violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Reports.
2. Send the appropriate letters.

11092670548

3/23/2011 4:28 PM

Federal Election Commission  
Reason to Believe Circulation Report  
2010 POST-GENERAL Not Election Sensitive 12/02/2010 UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2344	C00426445	ABIOMED INC POLITICAL ACTION COMMITTEE (ABIOMED PAC)		DANIEL J. SUTHERBY	\$127,339	0	12/9/2010	7	\$49,294	\$340
2345	C00392290	ACE CASH EXPRESS INC PAC		DAVID DODSON	\$366,424	1	1/28/2011	Not Filed	\$8,951	\$412
2346	C00309146	AMERICAN GAMING ASSOCIATION POLITICAL ACTION COMMITTEE		JUDY LAYNE PATTERSON	\$159,550	0	12/10/2010	8	\$18,000	\$150
2347	C00120238	AMERICAN MOTORCYCLIST POLITICAL ACTION COMMITTEE		ROBERT CHADDOCK	\$143,557	0	1/13/2011	Not Filed	\$32,286	\$990
2348	C00397083	AMERICAN TELESERVICES ASSOCIATION PAC		TIMOTHY SEARCY	\$165,037	0	12/27/2010	25	\$24,652	\$235
2349	C00485821	AMERICANS FOR NEW LEADERSHIP		BRENT HUSSON	\$2,513,639	0	12/20/2010	18	\$202,916	\$4,250
2350	C00177741	ASPLUNDH TREE EXPERT CO POLITICAL ACTION COMMITTEE (ATE PAC)		JOSEPH P. DWYER	\$147,400	0	12/28/2010	26	\$5,500	\$185
2351	C00204388	BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC)		IRA LAMEL	\$203,726	1	12/23/2010	21	\$22,500	\$268
2353	C00020453	CASS COUNTY REPUBLICAN CENTRAL COMMITTEE		TONY P. KEY	\$123,500	0	1/6/2011	Not Filed	\$28,595	\$990
2354	C00420125	CHIANG PATEL AND YERBY INC PAC		DAVID W. HAYS	\$130,878	1	12/29/2010	27	\$1,000	\$200
2356	C00407635	CONSOLIDATED EDISON INC EMPLOYEES' POLITICAL ACTION COMMITTEE (CEIPAC)		ROBERT MUCCILO	\$340,795	0	12/9/2010	7	\$23,564	\$145
2357	C00480228	CONTINUING AMERICA'S STRENGTH AND SECURITY PAC		RALPH J. STEPHENS	\$246,571	0	2/16/2011	Not Filed	\$17,629	\$550

11092670549

3/23/2011 4:28 PM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2358	C00357640	CORINTHIAN COLLEGES INC PAC		PAUL DE GIUSTI	\$174,077	0		Not Filed	\$14,506 (est)	\$550
2359	C00191288	D C REPUBLICAN COMMITTEE FEDERAL CAMPAIGN COMMITTEE		CRAIG ENGLE	\$860,143	0	12/13/2010	11	\$22,207	\$165
2360	C00442590	EFFECTIVE LEADERSHIP PAC		DENISE PETERSON	\$270,842	0	2/2/2011	Not Filed	\$27,095	\$990
2362	C00400317	FULTON FINANCIAL CORPORATION PAC		MICHAEL J. DEPORTER	\$138,105	0	12/23/2010	21	\$2,677	\$130
2363	C00414805	GOLDEN PEANUT COMPANY, LLC POLITICAL ACTION COMMITTEE		JAMES W. DORSETT	\$103,147	0	12/29/2010	27	\$6,250	\$190
2365	C00384354	GREAT LAKES SUGARBEET GROWERS POLITICAL ACTION COMMITTEE		RAY VANDRIESSCHE	\$411,604	0	1/31/2011	Not Filed	\$12,100	\$550
2366	C00326835	HARRIS COUNTY REPUBLICAN PARTY		JOSH FLYNN	\$204,063	0	12/9/2010	7	\$12,801	\$145
2367	C00437798	HEARPAC OF HEARING INDUSTRIES ASSOCIATION		JEROME RUZICKA	\$272,830	0	1/4/2011	Not Filed	\$6,000	\$330
2369	C00354613	INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE		MARTIN MASCUILLI	\$135,657	2	12/29/2010	27	\$3,138	\$240
2370	C00382226	INTERNATIONAL SECURITIES EXCHANGE PAC		BRUCE COOPERMAN	\$141,761	0	1/5/2011	Not Filed	\$16,535	\$550
2371	C00136739	IUOE OPERATING ENGINEERS		JAMES JONES	\$652,331	0	12/8/2010	6	\$17,818	\$140
2372	C00016444	KENTUCKY MEDICAL ASSOCIATION PAC (KENTUCKY PHYSICIANS PAC FEDERAL-KPPAC FEDERAL)		DAVID R. WATKINS, MD	\$239,249	0	12/9/2010	7	\$17,277	\$145
2373	C00426320	LIBERTARIAN PARTY OF INDIANA		TODD SINGER	\$195,010	2	1/31/2011	Not Filed	\$12,184	\$825

11092670550

3/23/2011 4:28 PM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2374	C00208322	MANAGEMENT AND TRAINING CORPORATION POLITICAL ACTION COMMITTEE		LYLE J. PARRY	\$132,878	0		Not Filed	\$18,983 (est)	\$550
2375	C00242370	MCAPIOTL MANAGEMENT / MWH AMERICAS PAC		G. THOMAS PAYNE	\$961,979	0	12/16/2010	14	\$52,782	\$1,485
2376	C00366922	METROPOLITAN TRANSPORTATION AUTHORITY POLICE BENEVOLENT ASSOCIATION PAC		RAYMOND GIMMLER	\$143,080	1	12/27/2010	25	\$15,515	\$293
2378	C00309468	MSPAC		RAYMOND J. BRIYA	\$106,540	0	1/6/2011	Not Filed	\$4,065	\$250
2379	C00165282	OLD NATIONAL BANK PAC		BRENDON FALCONER	\$285,467	0	1/11/2011	Not Filed	\$16,729	\$550
2380	C00165324	PHILADELPHIA JOINT BOARD UNITE HERE TIPS		MILDRED SALDANA	\$105,373	2	12/17/2010	15	\$54	\$150
2382	C00388694	PRIORITY PAC		KEVIN KENNEDY	\$746,535	0	12/31/2010	29	\$81,635	\$3,630
2383	C00434142	RENEWABLE ENERGY SYSTEMS AMERICAS INC. PAC (AKA RESPAC)		DARIN JENSEN	\$118,315	0	12/22/2010	20	\$8,424	\$155
2384	C00246736	SEABOARD CORPORATION POLITICAL ACTION COMMITTEE		DAVID M. DANNOV	\$153,163	0	12/29/2010	27	\$5,256	\$190
2385	C00432765	SILK PAC		LISA MARTINEZ JOHN MCINTYRE	\$135,541	0	12/21/2010	19	\$13,750	\$205
2386	C00430371	SOUTH DAKOTA FIRST			\$439,135	0	12/30/2010	28	\$128,592	\$4,160
2387	C00278788	SUFFOLK COUNTY DETECTIVES ASSN INC., POLITICAL ACTION COMMITTEE		WILLIAM RATHJEN	\$153,433	1	12/26/2010	24	\$6,855	\$218
2388	C00488403	TEXAS TEA PARTY PATRIOTS PAC		WILLIAM J. O'SULLIVAN, JR.	\$237,488	0	12/30/2010	28	\$101,245	\$4,160

11092670551

3/23/2011 4:28 PM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2389	C00279828	TEXTILE RENTAL SERVICES ASSOCIATION OF AMERICA POLITICAL ACTION COMMITTEE (TRSAPAC)		THOMAS NEWELL	\$258,991	0	12/14/2010	12	\$20,169	\$170
2390	C00009357	THE RECORDING INDUSTRY ASSOCIATION OF AMERICA POLITICAL ACTION COMMITTEE		MITCH GLAZIER	\$230,185	0	1/10/2011	Not Filed	\$8,750	\$330
2391	C00335091	TRANSPORTATION INTERMEDIARIES ASSOCIATION'S TIAPAC		ROBERT A. VOLTSMANN	\$111,950	0	1/13/2011	Not Filed	\$9,200	\$330
2392	C00150045	UNITED BROTHERHOOD OF CARPENTERS/JOINERS OF AMER NEW ENGLAND REG CARPENTERS LEGIS EMP CMTE		GLENN MARSHALL	\$289,647	0	12/10/2010	8	\$30,000	\$360
2393	C00489203	UNITED MINE WORKERS OF AMERICA POWER PAC		DANIEL J. KANE	\$680,829	0	1/11/2011	Not Filed	\$64,925	\$2,970
2394	C00381699	USINPAC		MILES C. HOGE	\$159,433	0		Not Filed	\$39,858 (est)	\$990
2395	C00424150	WOMEN'S CAMPAIGN FORUM		SIOBHAN BENNETT	\$328,311	0	2/11/2011	Not Filed	\$79,905	\$3,850

BEFORE THE FEDERAL ELECTION COMMISSION

11092670552

In the Matter of	)	
	)	
Reason To Believe Recommendation - 2010	)	
30 Day Post-General Report (Unauthorized	)	
Filers) For the Administrative Fine	)	
Program:	)	
ABIOMED INC POLITICAL ACTION	)	AF# 2344
COMMITTEE (ABIOMED PAC), and	)	
SUTHERBY, DANIEL J. as treasurer;	)	
ACE CASH EXPRESS INC PAC, and	)	AF# 2345
DAVID DODSON as treasurer;	)	
AMERICAN GAMING ASSOCIATION	)	AF# 2346
POLITICAL ACTION COMMITTEE, and	)	
PATTERSON, JUDY LAYNE as treasurer;	)	
AMERICAN MOTORCYCLIST	)	AF# 2347
POLITICAL ACTION COMMITTEE, and	)	
CHADDOCK, ROBERT as treasurer;	)	
AMERICAN TELESERVICES	)	AF# 2348
ASSOCIATION PAC, and SEARCY, TIM	)	
MR. as treasurer;	)	
AMERICANS FOR NEW LEADERSHIP,	)	AF# 2349
and HUSSON, BRENT as treasurer;	)	
ASPLUNDH TREE EXPERT CO	)	AF# 2350
POLITICAL ACTION COMMITTEE	)	
(ATE PAC), and DWYER, JOSEPH P as	)	
treasurer;	)	
BI-COUNTY POLITICAL ACTION	)	AF# 2351
COMMITTEE (FKA SUFFOLK PAC), and	)	
IRA LAMEL as treasurer;	)	
	)	
CASS COUNTY REPUBLICAN	)	AF# 2353
CENTRAL COMMITTEE, and TONY P	)	
KEY as treasurer;	)	
CHIANG PATEL AND YERBY INC PAC,	)	AF# 2354
and DAVID W HAYS as treasurer;	)	

Federal Election Commission  
Certification for Administrative Fines  
March 25, 2011

Page 2

11092670553

CONSOLIDATED EDISON INC	)	AF# 2356
EMPLOYEES' POLITICAL ACTION	)	
COMMITTEE (CEIPAC), and MUCCILO,	)	
ROBERT as treasurer;	)	
CONTINUING AMERICA'S STRENGTH	)	AF# 2357
AND SECURITY PAC, and STEPHENS,	)	
RALPH J. as treasurer;	)	
CORINTHIAN COLLEGES INC PAC, and	)	AF# 2358
DE GIUSTI, PAUL as treasurer;	)	
D C REPUBLICAN COMMITTEE	)	AF# 2359
FEDERAL CAMPAIGN COMMITTEE,	)	
and ENGLE, CRAIG as treasurer;	)	
EFFECTIVE LEADERSHIP PAC, and	)	AF# 2360
DENISE PETERSON as treasurer;	)	

FULTON FINANCIAL CORPORATION	)	AF# 2362
PAC, and MICHAEL J DEPORTER as	)	
treasurer;	)	
GOLDEN PEANUT COMPANY, LLC	)	AF# 2363
POLITICAL ACTION COMMITTEE, and	)	
JAMES W DORSETT as treasurer;	)	

GREAT LAKES SUGARBEET	)	AF# 2365
GROWERS POLITICAL ACTION	)	
COMMITTEE, and VANDRIESSCHE,	)	
RAY as treasurer;	)	
HARRIS COUNTY REPUBLICAN	)	AF# 2366
PARTY, and FLYNN, JOSH as treasurer;	)	
HEARPAC OF HEARING INDUSTRIES	)	AF# 2367
ASSOCIATION, and RUZICKA, JEROME	)	
as treasurer;	)	

INT LONGSHOREMENS ASSOC (ILA)	)	AF# 2369
LOCAL 1291 POLITICAL ACTION	)	
COMMITTEE, and MARTIN MASCUILLI	)	
as treasurer;	)	

Federal Election Commission  
Certification for Administrative Fines  
March 25, 2011

Page 3

11092670554

INTERNATIONAL SECURITIES	)	AF# 2370
EXCHANGE PAC, and CGOPPERMAN,	)	
BRUCE as treasurer;	)	
IUOE OPERATING ENGINEERS, and	)	AF# 2371
JAMES JONES as treasurer;	)	
KENTUCKY MEDICAL ASSOCIATION	)	AF# 2372
PAC (KENTUCKY PHYSICIANS PAC	)	
FEDERAL-KPPAC FEDERAL), and	)	
WATKINS, DAVID R MD as treasurer;	)	
LIBERTARIAN PARTY OF INDIANA,	)	AF# 2373
and TODD SINGER as treasurer;	)	
MANAGEMENT AND TRAINING	)	AF# 2374
CORPORATION POLITICAL ACTION	)	
COMMITTEE, and LYLE J PARRY as	)	
treasurer;	)	
MCAPITOL MANAGEMENT / MWH	)	AF# 2375
AMERICAS PAC, and PAYNE, G.	)	
THOMAS as treasurer;	)	
METROPOLITAN TRANSPORTATION	)	AF# 2376
AUTHORITY POLICE BENEVOLENT	)	
ASSOCIATION PAC, and RAYMOND	)	
GIMMLER as treasurer;	)	

MSCPAC, and RAYMOND J BRIYA as	)	AF# 2378
treasurer;	)	
OLD NATIONAL BANK PAC, and	)	AF# 2379
FALCONER, BRENDON as treasurer;	)	
PHILADELPHIA JOINT BOARD UNITE	)	AF# 2380
HERE TIPS, and MS MILDRED	)	
SALDANA as treasurer;	)	

PRIORITY PAC, and KENNEDY, KEVIN	)	AF# 2382
MR. as treasurer;	)	
RENEWABLE ENERGY SYSTEMS	)	AF# 2383
AMERICAS INC. PAC (AKA RESPAC),	)	
and JENSEN, DARIN as treasurer;	)	
SEABOARD CORPORATION	)	AF# 2384
POLITICAL ACTION COMMITTEE, and	)	
DAVID M DANNON as treasurer;	)	
SILK PAC, and LISA MARTINEZ as	)	AF# 2385
treasurer;	)	

Federal Election Commission  
Certification for Administrative Fines  
March 25, 2011

Page 4

SOUTH DAKOTA FIRST, and	)	AF# 2386
MCINTYRE, JOHN as treasurer;	)	
SUFFOLK COUNTY DETECTIVES	)	AF# 2387
ASSN INC., POLITICAL ACTION	)	
COMMITTEE, and WILLIAM RATHJEN,	)	
TREASURER as treasurer;	)	
TEXAS TEA PARTY PATRIOTS PAC,	)	AF# 2388
and WILLIAM J O'SULLIVAN JR as	)	
treasurer;	)	
TEXTILE RENTAL SERVICES	)	AF# 2389
ASSOCIATION OF AMERICA	)	
POLITICAL ACTION COMMITTEE	)	
(TRAPAC), and NEWELL, THOMAS as	)	
treasurer;	)	
THE RECORDING INDUSTRY	)	AF# 2390
ASSOCIATION OF AMERICA	)	
POLITICAL ACTION COMMITTEE, and	)	
GLAZIER, MITCH as treasurer;	)	
TRANSPORTATION INTERMEDIARIES	)	AF# 2391
ASSOCIATION'S TIAPAC, and ROBERT	)	
A VOLTSMANN as treasurer;	)	
UNITED BROTHERHOOD OF	)	AF# 2392
CARPENTERS/JOINERS OF AMER NEW	)	
ENGLAND REG CARPENTERS LEGIS	)	
EMP CMTE, and GLENN MARSHALL as	)	
treasurer;	)	
UNITED MINE WORKERS OF	)	AF# 2393
AMERICA POWER PAC, and DANIEL J	)	
KANE as treasurer;	)	
USINPAC, and HOGE, MILES C. MR. as	)	AF# 2394
treasurer;	)	
WOMEN'S CAMPAIGN FORUM, and	)	AF# 2395
SIOBHAN BENNETT as treasurer;	)	

11092670555

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on March 25, 2011 the Commission took the following actions on the Reason To Believe Recommendation - 2010 30 Day Post-General Report (Unauthorized Filers) For the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 21, 2011, on the following committees:

AF#2344 Decided by a vote of 6-0 to: (1) find reason to believe that ABIOMED INC POLITICAL ACTION COMMITTEE (ABIOMED PAC), and SUTHERBY, DANIEL J. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2345 Decided by a vote of 6-0 to: (1) find reason to believe that ACE CASH EXPRESS INC PAC, and DAVID DODSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2346 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN GAMING ASSOCIATION POLITICAL ACTION COMMITTEE, and PATTERSON, JUDY LAYNE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2347 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN MOTORCYCLIST POLITICAL ACTION COMMITTEE, and CHADDOCK, ROBERT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2348 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN TELESERVICES ASSOCIATION PAC, and SEARCY, TIM MR. as treasurer violated 2

11092670556

U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2349 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICANS FOR NEW LEADERSHIP, and HUSSON, BRENT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2350 Decided by a vote of 6-0 to: (1) find reason to believe that ASPLUNDH TREE EXPERT CO POLITICAL ACTION COMMITTEE (ATE PAC), and DWYER, JOSEPH P as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2351 Decided by a vote of 6-0 to: (1) find reason to believe that BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC), and IRA LAMEL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2353 Decided by a vote of 6-0 to: (1) find reason to believe that CASS COUNTY REPUBLICAN CENTRAL COMMITTEE, and TONY P KEY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2354 Decided by a vote of 6-0 to: (1) find reason to believe that CHIANG PATEL AND YERBY INC PAC, and DAVID W HAYS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

11092670557

11092670558

AF#2356 Decided by a vote of 6-0 to: (1) find reason to believe that CONSOLIDATED EDISON INC EMPLOYEES' POLITICAL ACTION COMMITTEE (CEIPAC), and MUCCILO, ROBERT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2357 Decided by a vote of 6-0 to: (1) find reason to believe that CONTINUING AMERICA'S STRENGTH AND SECURITY PAC, and STEPHENS, RALPH J. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2358 Decided by a vote of 6-0 to: (1) find reason to believe that CORINTHIAN COLLEGES INC PAC, and DE GIUSTI, PAUL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2359 Decided by a vote of 6-0 to: (1) find reason to believe that D C REPUBLICAN COMMITTEE FEDERAL CAMPAIGN COMMITTEE, and ENGLE, CRAIG as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2360 Decided by a vote of 6-0 to: (1) find reason to believe that EFFECTIVE LEADERSHIP PAC, and DENISE PETERSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2362 Decided by a vote of 6-0 to: (1) find reason to believe that FULTON FINANCIAL CORPORATION PAC, and MICHAEL J DEPORTER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2363 Decided by a vote of 6-0 to: (1) find reason to believe that GOLDEN PEANUT COMPANY, LLC POLITICAL ACTION COMMITTEE, and JAMES W DORSETT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2365 Decided by a vote of 6-0 to: (1) find reason to believe that GREAT LAKES SUGARBEET GROWERS POLITICAL ACTION COMMITTEE, and VANDRIESSCHE, RAY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2366 Decided by a vote of 6-0 to: (1) find reason to believe that HARRIS COUNTY REPUBLICAN PARTY, and FLYNN, JOSH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2367 Decided by a vote of 6-0 to: (1) find reason to believe that HEARPAC OF HEARING INDUSTRIES ASSOCIATION, and RUZICKA, JEROME as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

11092670559

11092670560

AF#2369 Decided by a vote of 6-0 to: (1) find reason to believe that INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE, and MARTIN MASCULLI as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2370 Decided by a vote of 6-0 to: (1) find reason to believe that INTERNATIONAL SECURITIES EXCHANGE PAC, and COOPERMAN, BRUCE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2371 Decided by a vote of 6-0 to: (1) find reason to believe that IUOE OPERATING ENGINEERS, and JAMES JONES as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2372 Decided by a vote of 6-0 to: (1) find reason to believe that KENTUCKY MEDICAL ASSOCIATION PAC (KENTUCKY PHYSICIANS PAC FEDERAL-KPPAC FEDERAL), and WATKINS, DAVID R MD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2373 Decided by a vote of 6-0 to: (1) find reason to believe that LIBERTARIAN PARTY OF INDIANA, and TODD SINGER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2374 Decided by a vote of 6-0 to: (1) find reason to believe that MANAGEMENT AND TRAINING CORPORATION POLITICAL ACTION COMMITTEE, and LYLE J PARRY as treasurer violated 2 U.S.C. 434(a) and make a

preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2375 Decided by a vote of 6-0 to: (1) find reason to believe that MCAPIOTOL MANAGEMENT / MWH AMERICAS PAC, and PAYNE, G. THOMAS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2376 Decided by a vote of 6-0 to: (1) find reason to believe that METROPOLITAN TRANSPORTATION AUTHORITY POLICE BENEVOLENT ASSOCIATION PAC, and RAYMOND GIMMLER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2378 Decided by a vote of 6-0 to: (1) find reason to believe that MSCPAC, and RAYMOND J BRIYA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2379 Decided by a vote of 6-0 to: (1) find reason to believe that OLD NATIONAL BANK PAC, and FALCONER, BRENDON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2380 Decided by a vote of 6-0 to: (1) find reason to believe that PHILADELPHIA JOINT BOARD UNITE HERE TIPS, and MS MILDRED SALDANA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

11092670561

11092670562

AF#2382 Decided by a vote of 6-0 to: (1) find reason to believe that PRIORITY PAC, and KENNEDY, KEVIN MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2383 Decided by a vote of 6-0 to: (1) find reason to believe that RENEWABLE ENERGY SYSTEMS AMERICAS INC. PAC (AKA RESPAC), and JENSEN, DARIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2384 Decided by a vote of 6-0 to: (1) find reason to believe that SEABOARD CORPORATION POLITICAL ACTION COMMITTEE, and DAVID M DANNOV as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2385 Decided by a vote of 6-0 to: (1) find reason to believe that SILK PAC, and LISA MARTINEZ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2386 Decided by a vote of 6-0 to: (1) find reason to believe that SOUTH DAKOTA FIRST, and MCINTYRE, JOHN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2387 Decided by a vote of 6-0 to: (1) find reason to believe that SUFFOLK COUNTY DETECTIVES ASSN INC., POLITICAL ACTION COMMITTEE, and WILLIAM RATHJEN, TREASURER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2388 Decided by a vote of 6-0 to: (1) find reason to believe that TEXAS TEA PARTY PATRIOTS PAC, and WILLIAM J O'SULLIVAN JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2389 Decided by a vote of 6-0 to: (1) find reason to believe that TEXTILE RENTAL SERVICES ASSOCIATION OF AMERICA POLITICAL ACTION COMMITTEE (TRSAPAC), and NEWELL, THOMAS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2390 Decided by a vote of 6-0 to: (1) find reason to believe that THE RECORDING INDUSTRY ASSOCIATION OF AMERICA POLITICAL ACTION COMMITTEE, and GLAZIER, MITCH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2391 Decided by a vote of 6-0 to: (1) find reason to believe that TRANSPORTATION INTERMEDIARIES ASSOCIATION'S TIAPAC, and ROBERT A VOLTMANN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2392 Decided by a vote of 6-0 to: (1) find reason to believe that UNITED BROTHERHOOD OF CARPENTERS/JOINERS OF AMER NEW ENGLAND REG CARPENTERS LEGIS EMP CMTE, and GLENN MARSHALL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2393 Decided by a vote of 6-0 to: (1) find reason to believe that UNITED MINE WORKERS OF AMERICA POWER PAC, and DANIEL J KANE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

11092670563

AF#2394 Decided by a vote of 6-0 to: (1) find reason to believe that USINPAC, and HOGE, MILES C. MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2395 Decided by a vote of 6-0 to: (1) find reason to believe that WOMEN'S CAMPAIGN FORUM, and SIOBHAN BENNETT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

March 28, 2011  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

11092670564



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 28, 2011

Daniel J. Kane, in official capacity as Treasurer  
United Mine Workers of America Power PAC  
18354 Quantico Gateway, Drive #200  
Triangle, VA 22172

C00489203  
AF#: 2393

Dear Mr. Kane:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 30 Day Post-General Report of Receipts and Disbursements in a calendar year in which a regularly scheduled general election is held. This report, covering the period through November 22, 2010, shall be filed no later than December 2, 2010. 2 U.S.C. § 434(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date, it is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On March 25, 2011, the FEC found that there is reason to believe ("RTB") that United Mine Workers of America Power PAC and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before December 2, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$2,970. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$2,970 is due within forty (40) days of the finding, or by May 4, 2011, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$64,925

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

11092670565

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 4, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that United Mine Workers of America Power PAC and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate

action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickemill in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly  
Chair

---

**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$2,970 for the 2010 Post-General Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by May 4, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

---

FOR: United Mine Workers of America Power PAC

FEC ID#: C00489203

AF#: 2393

PAYMENT DUE DATE: May 4, 2011

PAYMENT AMOUNT DUE: \$2,970

FEC OFFICE OF  
ADMIN REVIEW

2011 APR 5 10 30 AM

# United Mine Workers of America

DANIEL J. KANE  
INTERNATIONAL  
SECRETARY-TREASURER



TELEPHONE  
(703) 291-2401  
FAX (703) 291-2452

UNITED MINE WORKERS' HEADQUARTERS  
18354 QUANTICO GATEWAY DRIVE, SUITE 200

Triangle, VA

22172-1779

March 29, 2011

Federal Election Commission  
Office of Administrative Review  
999 E Street, NW  
Washington, DC 20463

RE: AF# 2393, Committee ID# C00489203

Dear Sir or Madam:

I would like to request that the RTB reconsider the finding and civil penalty referenced above assessed against the UMW Power PAC for failure to file the 30 Day Post-General Report of Receipts and Disbursements which covers the period through November 22nd. I did file reports covering that period, I just did not file them correctly.

On March 12, 2011 I received a letter from Daniel Buckley, Senior Campaign Finance Analyst, advising me that the reports I filed did not reflect the appropriate coverage dates for quarterly filing status. His letter stated that I had until April 15, 2011 to fix these reports.

I would ask that based on the above evidence that a good-faith effort was made to file our reports accurately; you waive the civil money penalty and give us until the original deadline of April 15<sup>th</sup> to file our reports correctly.

Your consideration of this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads "Daniel J. Kane".

Daniel J. Kane

11092670569



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

April 7, 2011

Daniel J. Kane, in official capacity as Treasurer  
United Mine Workers of America Power PAC  
18354 Quantico Gateway Drive #200  
Triangle, VA 22172

C00489203  
AF# 2393

Dear Mr. Kane:

On April 6, 2011, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

11092670570

**FEC OFFICE OF  
ADMIN REVIEW**

**2011 APR -8 A 7:21**

**Date: April 7, 2011**

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW  
CHALLENGE RECEIVED**

**AF#: 2393**

**Committee Name: United Mine Workers of America Power PAC**

**Committee ID#: C00489203**

**Committee Address (if different than in RTB letter): N**

**Treasurer Name (if different than in RTB finding): N**

**Attachments:**

**Copy of RTB Circulation Report, dated March 21, 2011 and RTB Certification,  
dated March 28, 2011 (Y/N): N**

**Attachment #: N/A**

**Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y**

**Attachment #: 1**

**Other Relevant Telecoms (Y/N): N**

**Attachment #: N/A**

**Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**

**Attachment #: N/A**

**RAD Staff Declaration (Y/N): Y**

**-RTB Letter, dated March 28, 2011.**

**Attachment #: 3**

**Other RAD Information: (Y/N): N**

**Attachment#: N/A**

11092670571

**Signed By:** CROSS

11092670572

## DECLARATION OF JODI WINSHIP

1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to United Mine Workers of America Power PAC:
  - A) Reason-to-Believe Letter, dated March 28, 2011, referencing the 2010 30 Day Post-General Report.
3. I hereby certify that I have searched the Commission's public records and find that United Mine Workers of America Power PAC filed the 2010 30 Day Post-General Report with the Commission on April 5, 2011.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 7<sup>th</sup> day of April, 2011.



Jodi Winship  
Acting Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

JUN 15 5 01

**SENSITIVE**

June 15, 2011

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Acting Staff Director

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna C. Brown *DCB*  
Reviewing Officer  
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2393 – United Mine Workers  
of America Power PAC and Daniel J. Kane, in his official capacity as  
Treasurer (C00489203)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092670574



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 15, 2011

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2393 – United Mine Workers of America Power PAC and Daniel J. Kane, in his official capacity as Treasurer (C00489203)

**Summary of Recommendation**

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$2,970 civil money penalty.

**Reason-to-Believe Background**

On March 25, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 30 Day Post-General Report and made a preliminary determination that the civil money penalty was \$2,970 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter, dated March 28, 2011, was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") to notify them of the Commission's RTB finding and civil money penalty.

**Legal Requirements**

The Federal Election Campaign Act ("Act") states that the treasurer of a committee not authorized by a candidate shall file, in an election year, a post-general election report no later than 30 days after any general election. 2 U.S.C. § 434(a)(4)(A)(iii) and 11 C.F.R. § 104.5(c)(1)(iii). Reports filed electronically must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on December 2 to be timely filed. 11 C.F.R. § 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

**Respondents' Challenge**

On April 6, 2011, the Commission received the written response ("challenge") from the Treasurer who states that he did file the report covering the period in question, however, he did so incorrectly. He states that on March 12, 2011, he received a letter from his Reports Analyst informing him that his reports did not disclose the correct coverage dates for his quarterly filing status and indicated that he had until April 15 to correct the reports. The Treasurer asks that based on his good-faith effort to file accurate reports, the civil money penalty be waived, and the Committee given until the April 15 deadline to file their reports correctly.

Included with the challenge is a copy of two pages of the March 11, 2011 letter sent from RAD.

11092670575

## Analysis

On March 11, 2011, RAD sent the Committee a Request for Additional Information ("RFAI") referencing the Amended Year End Report. The second item in the RFAI advised the Committee that they had not filed reports with the appropriate coverage dates for their quarterly filing status. The RFAI provided the correct filing schedule for 2010, highlighting that the Committee should have filed a 12 Day Pre-General Report, due October 21 and covering October 1 through October 13; a 30 Day Post-General Report, due December 2 and covering October 14 through November 22; and a Year End Report, due January 31 and covering November 23 through December 31, in lieu of the Year End Report they filed covering October 1 through December 31. The RFAI gave the Committee until April 15 to file the 12 Day Pre-General and 30 Day Post-General Reports, and correct the coverage dates of the Year End Report, which they did on April 5, 2011. The filing of the correct reports by the April 15, 2011 RFAI response due date did not, however, circumvent the requirement to file the 30 Day Post-General Report activity by the December 2, 2010 filing deadline.

The Year End Report covering October 1 through December 31, 2010, was filed on January 11, 2011. The Year End Report included the October 14 through November 22 coverage dates of the 30 Day Post-General Report, and was filed 40 days after the 30 Day Post-General Report's December 2 due date. While the Treasurer is correct that he did disclose the activity for the period in question, albeit on the incorrect report, he did so 40 days after the activity was required to be disclosed.

Their challenge fails to address any of the three valid grounds for challenge enumerated at 11 C.F.R. § 111.35(b): (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,970.

## OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2393 involving the United Mine Workers of America Power PAC and Daniel J. Kane, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2393 that the United Mine Workers of America Power PAC and Daniel J. Kane, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,970; and
- (3) Send the appropriate letter.

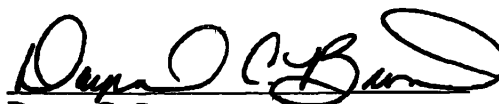
Reviewing Officer: Dayna C. Brown

## Attachments

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 – Declaration from RAD ;
- Attachment 3 – Declaration from OAR

### DECLARATION OF DAYNA C. BROWN

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 30 Day Post-General Report is due December 2, 2010. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on December 2 to be timely filed.
3. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to administrative fine regulations, including due dates of reports and filing requirements.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
  - (a) Page 1 of the Summary Page for the 2010 Year End Report electronically filed by the United Mine Workers of America Power PAC and Daniel J. Kane, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from October 1 through December 31, 2010, and was received on January 11, 2011;
  - (b) The Reports Analysis Division Request for Additional Information ("RAI") RQ-2 sent to Daniel J. Kane, Treasurer, and the United Mine Workers of America Power PAC. According to the Commission's records, the RAI is dated March 11, 2011, references the Amended Year End Report covering the period from October 1 through December 31, and provided a Response Due Date of April 15, 2011;
  - (c) Page 1 of the Summary Page for the 2010 12 Day Pre-General Report electronically filed by the United Mine Workers of America Power PAC and Daniel J. Kane, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from October 1 through October 13, 2010, and was received on April 5, 2011;
  - (d) Page 1 of the Summary Page for the 2010 30 Day Post-General Report electronically filed by the United Mine Workers of America Power PAC and Daniel J. Kane, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from October 14 through November 22, 2010, and was received on April 5, 2011; and
  - (e) Page 1 of the Summary Page for the amended 2010 Year End Report electronically filed by the United Mine Workers of America Power PAC and Daniel J. Kane, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from November 23 through December 31, 2010, and was received on April 5, 2011.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 15<sup>th</sup> of June, 2011.



Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

11092670577

**FEC  
FORM 3X****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For Other Than An Authorized Committee

Office Use Only

1. NAME OF  
COMMITTEE (in full)USE FEC MAILING LABEL  
OR TYPE OR PRINTExample: If typing, type  
over the lines

UNITED MINE WORKERS OF AMERICA POWER PAC

ADDRESS (number and street)

18354 QUANTICO GATEWAY DRIVE #200

Check if different  
than previously  
reported. (ACC)

TRIANGLE

VA

22172

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIPCODE

C00489203

3. IS THIS  
REPORT

X

NEW  
(N)

OR

AMENDED  
(A)4. TYPE OF REPORT  
(Choose One)(b) Monthly  
Report  
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)  
(Non-Election  
Year Only)

(a) Quarterly Reports:

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)  
(Non-Election  
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

April 15  
Quarterly Report(Q1)July 15  
Quarterly Report(Q2)October 15  
Quarterly Report(Q3)X January 31  
Quarterly Report(YE)July 31 Mid-Year  
Report(Non-election  
Year Only) (MY)Termination Report  
(TER)(c) 12-Day  
PRE-Election  
Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the  
State of(d) 30-Day  
Post-Election  
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the  
State of

5. Covering Period

10

01

2010

through

12

31

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

DANIEL J. KANE

Signature of Treasurer

Electronically Filed by DANIEL J. KANE

Date

01

11

2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office  
Use  
Only**FEC FORM 3X**  
(Rev. 12/2004)



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20543

RQ-2

March 11, 2011

DANIEL J. KANE, TREASURER  
UNITED MINE WORKERS OF AMERICA POWER  
PAC  
18354 QUANTICO GATEWAY DRIVE, #200  
TRIANGLE, VA 22172-1779

**Response Due Date**  
**04/15/2011**

IDENTIFICATION NUMBER: C00489203

REFERENCE: AMENDED YEAR-END REPORT (10/01/2010 - 12/31/2010), RECEIVED  
01/11/2011

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 2 item(s):

1. Schedule E supporting Line 24 of your report discloses an independent expenditure(s) on behalf of "FREDERICK C BOUCHER", "NICK JOE RAHALL, II" and "JOHN REEVES RAESE", which appears to have been publicly disseminated or distributed after the general election date. Please be advised that if a communication is aired in one reporting period and the payment is made in a later reporting period, the independent expenditure should be reported as a memo entry on Schedule E when the communication is publicly disseminated or distributed, and on a Schedule D if it is a reportable debt under 11 CFR 104.11. When the payment for the independent expenditure is made, the report should show a payment on Schedule E and the same payment on Schedule D, if applicable.

Please amend your report to provide further clarifying information regarding the independent expenditure(s) disclosed after the general election date.

2. It has come to the attention of the Federal Election Commission that the reports you have filed during the current election cycle do not reflect the appropriate coverage dates for quarterly filing status. Please be advised of the filing dates and coverage periods for the 2010 election year (see attached) and fill in the appropriate coverage dates on Line 5 of the Summary Page.

11092670579

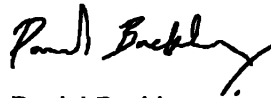
UNITED MINE WORKERS OF AMERICA POWER PAC

Page 2 of 2

**Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1141.

Sincerely,



Daniel Buckley  
Senior Campaign Finance Analyst  
Reports Analysis Division

**2009-2010 Coverage Periods and Filing Dates - Quarterly Filers**

<b>Report Type</b>	<b>Coverage Type</b>	<b>Due Dates</b>
Mid Year	1/1/09-6/30/09	July 31, 2009
Year End	7/1/09-12/31/09	January 31, 2010
April Quarterly	1/1/10-3/31/10	April 15, 2010
July Quarterly	4/1/10-6/30/10	July 15, 2010
October Quarterly	7/1/10-9/30/10	October 15, 2010
12 Day Pre General	10/1/10-10/13/10	October 21, 2010
30 Day Post General	10/14/10-11/22/10	December 2, 2010
Year End	11/23/10-12/31/10	January 31, 2011

11092670581

**FEC  
FORM 3X****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For Other Than An Authorized Committee

Office Use Only

1. NAME OF  
COMMITTEE (in full)USE FEC MAILING LABEL  
OR TYPE OR PRINTExample: If typing, type  
over the lines

UNITED MINE WORKERS OF AMERICA POWER PAC

ADDRESS (number and street)

18354 QUANTICO GATEWAY DRIVE #200

Check if different  
than previously  
reported. (ACC)

TRIANGLE

VA

22172

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

C00489203

3. IS THIS  
REPORT

X

NEW  
(N)

OR

AMENDED  
(A)4. TYPE OF REPORT  
(Choose One)(b) Monthly  
Report  
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)  
(Non-Election  
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)  
(Non-Election  
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

(a) Quarterly Reports:

April 15  
Quarterly Report(Q1)July 15  
Quarterly Report(Q2)October 15  
Quarterly Report(Q3)January 31  
Quarterly Report(YE)July 31 Mid-Year  
Report(Non-election  
Year Only) (MY)Termination Report  
(TER)(c) 12-Day  
PRE-Election  
Report for the:

Primary (12P)

X

General (12G)

Runoff (12R)

Convention (12C)

Special (12G)

Election on

11

02

2010

in the  
State of(d) 30-Day  
Post-Election  
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the  
State of

5. Covering Period

10

01

2010

through

10

13

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

DANIEL J. KANE

Signature of Treasurer

Electronically Filed by DANIEL J. KANE

Date

03

30

2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office  
Use  
Only**FEC FORM 3X**  
(Rev. 12/2004)

**FEC  
FORM 3X****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For Other Than An Authorized Committee

Office Use Only

1. NAME OF  
COMMITTEE (in full)USE FEC MAILING LABEL  
OR TYPE OR PRINTExample: If typing, type  
over the lines

UNITED MINE WORKERS OF AMERICA POWER PAC

ADDRESS (number and street)

18354 QUANTICO GATEWAY DRIVE #200

Check if different  
than previously  
reported. (ACC)

TRIANGLE

VA

22172

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

C00489203

3. IS THIS  
REPORT

X

NEW  
(N)

OR

AMENDED  
(A)4. TYPE OF REPORT  
(Choose One)(b) Monthly  
Report  
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)  
(Non-Election  
Year Only)

(a) Quarterly Reports:

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)  
(Non-Election  
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

April 15

Quarterly Report(Q1)

July 15

Quarterly Report(Q2)

October 15

Quarterly Report(Q3)

January 31

Quarterly Report(YE)

July 31 Mid-Year  
Report(Non-election  
Year Only) (MY)Termination Report  
(TER)(c) 12-Day  
PRE-Election  
Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12G)

Election on

in the  
State of(d) 30-Day  
Post -Election  
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

11

02

2010

in the  
State of

5. Covering Period

10

14

2010

through

11

22

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

DANIEL J. KANE

Signature of Treasurer

Electronically Filed by DANIEL J. KANE

Date

03

30

2011

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office  
Use  
Only**FEC FORM 3X**  
(Rev. 12/2004)

FE6AN826

11092670583

**FEC  
FORM 3X****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For Other Than An Authorized Committee

Office Use Only

1. NAME OF  
COMMITTEE (in full)USE FEC MAILING LABEL  
OR TYPE OR PRINTExample: If typing, type  
over the lines

UNITED MINE WORKERS OF AMERICA POWER PAC

ADDRESS (number and street)

18354 QUANTICO GATEWAY DRIVE #200

Check if different  
than previously  
reported. (ACC)

TRIANGLE

VA

22172

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIPCODE

C00489203

3. IS THIS  
REPORTNEW  
(N)

OR

X

AMENDED  
(A)4. TYPE OF REPORT  
(Choose One)(b) Monthly  
Report  
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)  
(Non-Election  
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)  
(Non-Election  
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

(a) Quarterly Reports:

April 15  
Quarterly Report(Q1)July 15  
Quarterly Report(Q2)October 15  
Quarterly Report(Q3)X January 31  
Quarterly Report(YE)July 31 Mid-Year  
Report(Non-election  
Year Only) (MY)Termination Report  
(TER)(c) 12-Day  
PRE-Election  
Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12G)

Election on

in the  
State of(d) 30-Day  
Post -Election  
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the  
State of

5. Covering Period

11

23

2010

through

12

31

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

DANIEL J. KANE

Signature of Treasurer

Electronically Filed by DANIEL J. KANE

Date

03

30

2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office  
Use  
Only**FEC FORM 3X**  
(Rev. 12/2004)

FE6AN026

11092670584



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

June 16, 2011

Daniel J. Kane, in his official capacity as Treasurer  
United Mine Workers of America Power PAC  
18354 Quantico Gateway Drive #200  
Triangle, VA 22172

C00489203  
AF# 2393

Dear Mr. Kane:

On March 25, 2011, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the United Mine Workers of America Power PAC and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2010 30 Day Post-General Report. The Commission also made a preliminary determination that the civil money penalty was \$2,970 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

Attachment

11092670585



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

SECRETARIAT

2011 JUL -6 P 4: 10

July 6, 2011

MEMORANDUM

**SENSITIVE**

To: The Commission

Through: Alec Palmer *AP*  
Acting Staff Director

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna C. Brown *DCB*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2393 – United Mine Workers of America Power PAC and Daniel J. Kane, in his official capacity as Treasurer (C00489203)

On March 25, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 30 Day Post-General Report and also made a preliminary determination that the civil money penalty was \$2,970 based on the schedule of penalties at 11 C.F.R. § 111.43.

On April 6, 2011, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated June 15, 2011 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$2,970 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

11092670586

### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2393 involving the United Mine Workers of America Power PAC and Daniel J. Kane, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2393 that the United Mine Workers of America Power PAC and Daniel J. Kane, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,970; and
- (3) Send the appropriate letter.

11092670587

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Final Determination Recommendation: ) AF 2393  
United Mine Workers of America Power )  
PAC and Daniel J. Kane, in his official )  
capacity as Treasurer (C00489203) )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on August 03, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF 2393:

1. Adopt the Reviewing Officer recommendation for AF# 2393 involving United Mine Workers of America Power PAC and Daniel J. Kane, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2393 that the United Mine Workers of America Power PAC and Daniel J. Kane, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,970.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

August 3, 2011  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

11092670588



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 5, 2011

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Daniel J. Kane, in official capacity as Treasurer  
United Mine Workers of America Power PAC  
18354 Quantico Gateway Drive, #200  
Triangle, VA 22172

C00489203  
AF# 2393

Dear Mr. Kane:

On March 25, 2011, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the United Mine Workers of America Power PAC and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2010 30 Day Post-General Report. By letter dated March 28, 2011, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of 2,970 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 6, 2011, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that the United Mine Workers of America Power PAC and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of 2,970 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on June 16, 2011.

On August 3, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that the United Mine Workers of America Power PAC and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$2,970. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

**If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

11092670589

determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

**If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

**If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,

  
Cynthia L. Bauerly  
Chair

Attachment

11092670591

-----  
**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$2,970 for the 2010 30 Day Post-General Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC # 979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
-----

FOR: United Mine Workers of America Power PAC

FEC ID#: C00489203

AF#: 2393

PAYMENT AMOUNT DUE: \$2,970

FOR: United Mine Workers of America Power PAC

FEC ID#: C00489203

AF#: 2393

PAYMENT AMOUNT DUE: \$2,970

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 002 \$ 0000297000 BA# 1 08-22-11 20 9



United Mine Workers of America 18354 Quantico Gateway Drive Suite 200 Triangle, VA 22172		AMERICAN BANK OF CHICAGO ONE WEST MONROIE CHICAGO, IL 60602	
PAY: Two thousand nine hundred seventy and 00/100 Dollars		CHECK DATE 8/11/2011	CHECK NO. 1010
TO THE ORDER OF FEDERAL ELECTION COMMISSION P.O. BOX 979058 ST. LOUIS, MO 63197-9000		CHECK AMOUNT \$2,970.00	
		AUTHORIZED SIGNATURE <i>Bill E. Blythe</i>	

11092670592





FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2393

DATE SCANNED 11-5-11

SCANNER NO. 2

SCAN OPERATOR Jm12

11092670593